

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CALVIN BURKE,

Plaintiff,

v.

ST. LOUIS CITY JAILS, et al.,

Defendants.

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) No. 4:14-CV-2107 RLW
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MEMORANDUM AND ORDER

This matter is before the court on Defendants' Motion to Dismiss (ECF No. 89). This matter is fully briefed and ready for disposition.

DISCUSSION

Defendants Richard Gray, Dale Glass, Leonard Edwards, Tonya Harry, Jerome Fields, Scott Weber, Cordell Rucker, Idowu Adeoye, Melvin Diggs, and Tom Rea (collectively, "Defendants") argue that Plaintiff has failed to comply with this Court's April 7, 2016 Case Management Order. (ECF No. 89). The April 7, 2016 Order required the parties to provide their mandatory disclosures on May 6, 2016. Defendants state that Plaintiff has failed to provide any disclosures, other than a list of individuals with knowledge of the conditions of the workhouse, and has not complied with this Court's Case Management Order. (ECF No. 89). Defendants contend that Plaintiff did not include a list of documents or any addresses of the witnesses. Defendants request that Plaintiff's Complaint be dismissed for failure to comply with this Court's Case Management Order.

In response, Plaintiff contends that he has complied with the Court's order by turning over all of the documents in his possession. (ECF No. 90). Plaintiff also states that he does not have addresses for his witnesses.

The Court notes that Defendants have not filed a reply. Therefore, the Court cannot discern whether Plaintiff actually turned over the documents in his possession. The Court also recognizes that Plaintiff provided what appear to be the inmate numbers for most of his witnesses. Thus, it appears that Plaintiff has tried to comply with this Court's Case Management Order and provide his initial disclosures. The Court will deny Defendants' Motion to Dismiss, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 89) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff's Motion for Extension of Time to Conduct Discovery (ECF No. 91) is **GRANTED**, in part. The parties have until **September 30, 2016** to complete discovery. Any motions for summary judgment must be filed no later than **November 1, 2016**. Opposition briefs must be filed no later than **December 1, 2016**, and any reply brief may be filed no later than **December 11, 2016**. Failure to timely file a motion for summary judgment will waive a party's right to do so before trial.

Dated this 1st day of August, 2016.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE